

“(2) in the case of a continuing violation (as determined by the Secretary of Housing and Urban Development), any portion of violation referred to in the amendment that occurs on or after such date.”

#### § 1718. Rules, regulations, and orders

The Secretary shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon him elsewhere in this chapter. For the purpose of his rules and regulations, the Secretary may classify persons and matters within his jurisdiction and prescribe different requirements for different classes of persons or matters.

(Pub. L. 90-448, title XIV, §1419, Aug. 1, 1968, 82 Stat. 598.)

#### § 1719. Jurisdiction of offenses and suits

The district courts of the United States, the United States courts of any territory, and the United States District Court for the District of Columbia shall have jurisdiction of offenses and violations under this chapter and under the rules and regulations prescribed by the Secretary pursuant thereto, and concurrent with State courts, of all suits in equity and actions at law brought to enforce any liability or duty created by this chapter. Any such suit or action may be brought to enforce any liability or duty created by this chapter. Any such suit or action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, or in the district where the offer or sale took place, if the defendant participated therein, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 1254 and 1291 of title 28. No case arising under this chapter and brought in any State court of competent jurisdiction shall be removed to any court of the United States, except where the United States or any officer or employee of the United States in his official capacity is a party. No costs shall be assessed for or against the Secretary in any proceeding under this chapter brought by or against him in the Supreme Court or such other courts.

(Pub. L. 90-448, title XIV, §1420, Aug. 1, 1968, 82 Stat. 598; Pub. L. 100-628, title X, §1089(b), Nov. 7, 1988, 102 Stat. 3283.)

#### AMENDMENTS

1988—Pub. L. 100-628 struck out “(a)” after section designation.

#### § 1719a. Repealed. Pub. L. 104-66, title I, § 1071(c), Dec. 21, 1995, 109 Stat. 720

Section, Pub. L. 90-448, title XIV, §1421, as added Pub. L. 96-153, title IV, §409, Dec. 21, 1979, 93 Stat. 1132, directed Secretary to submit to Congress biennial reports on administration of this chapter and its impact upon land development industry and purchasers and lessees of undeveloped land.

#### § 1720. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 90-448, title XIV, §1422, formerly §1421, Aug. 1, 1968, 82 Stat. 599; renumbered §1422, Pub. L. 96-153, title IV, §409, Dec. 21, 1979, 93 Stat. 1132.)

### CHAPTER 43—NEWSPAPER PRESERVATION

Sec.

1801. Congressional declaration of policy.

1802. Definitions.

1803. Antitrust exemptions.

(a) Joint operating arrangements entered into prior to July 24, 1970.

(b) Written consent for future joint operating arrangements.

(c) Predatory practices not exempt.

1804. Reinstatement of joint operating arrangements previously adjudged unlawful under antitrust laws.

#### § 1801. Congressional declaration of policy

In the public interest of maintaining a newspaper press editorially and reportorially independent and competitive in all parts of the United States, it is hereby declared to be the public policy of the United States to preserve the publication of newspapers in any city, community, or metropolitan area where a joint operating arrangement has been heretofore entered into because of economic distress or is hereafter effected in accordance with the provisions of this chapter.

(Pub. L. 91-353, §2, July 24, 1970, 84 Stat. 466.)

#### SHORT TITLE

Section 1 of Pub. L. 91-353 provided that: “This Act [enacting this chapter] may be cited as the ‘Newspaper Preservation Act’.”

#### SEPARABILITY

Section 6 of Pub. L. 91-353 provided that: “If any provision of this Act [enacting this chapter] is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this Act, and the applicability of such provision to any other person or circumstance, shall not be affected thereby.”

#### § 1802. Definitions

As used in this chapter—

(1) The term “antitrust law” means the Federal Trade Commission Act [15 U.S.C. 41 et seq.] and each statute defined by section 4 thereof [15 U.S.C. 44] as “Antitrust Acts” and all amendments to such Act and such statutes and any other Acts in pari materia.

(2) The term “joint newspaper operating arrangement” means any contract, agreement, joint venture (whether or not incorporated), or other arrangement entered into by two or more newspaper owners for the publication of two or more newspaper publications, pursuant to which joint or common production facilities are established or operated and joint or unified action is taken or agreed to be taken with respect to any one or more of the following: printing; time, method, and field of publication; allocation of production facilities; distribution; advertising solicitation; circulation solicitation; business department; establishment of advertising rates; establishment of circulation rates and revenue distribution: *Provided*, That there is no merger, combina-